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December 5, 2016

VIA ECF

Chief Judge Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: U.S. v. Dan Zhong and Landong Wang, CR 16 00614

Dear Judge Irizarry:

By letter dated December 1, 2016, the U.S. Attorney's Office asserted that the above-captioned case is presumptively related to *U.S. v. Ying Lin*, No. 15 CR 601 (DLI) pursuant to Local Rule 50.3.2. Under Local Rule 50.3.2(B)(2), a party may overcome this presumption by showing that the reassignment would not "achieve a significant savings of judicial resources or serve the interests of justice." The defendant Dan Zhong submits this letter in support of his position that the U.S. Attorney's Office's designation of this case as a related case is scarcely justifiable and would not save judicial resources or serve the interests of justice.

The Lin case has the thinnest of connections to the Zhong matter. In fact, the government's claim of relatedness is predicated solely on its allegation that one of the "work sites where Zhong improperly deployed visa-holding construction workers was the personal residence of the defendant Lin" who "is charged with, among other crimes, smuggling items to PRC for members of the PRC diplomatic community in return for benefits, including free contracting work performed at her personal residence by construction workers deployed by Zhong and his coconspirators." Government's Letter at 2.

There is no additional connection between these matters suggested in the indictment of Zhong. In the indictment, it is alleged that, as an overt act in connection with Count Five, "[i]n or about October 2015, Zhong and Wang caused workers to provide contracting work at a residence in Fresh Meadows, New York, contrary to the terms of their United States visas." Indictment ¶ 6(e). We understand that this is the same residence addressed in the government's letter.¹

¹ Moreover, the Complaint against Zhong, which has far more detail regarding the Lin construction work, does not assert that Zhong played any role in connection therewith. Rather, the Complaint alleges that the co-defendant

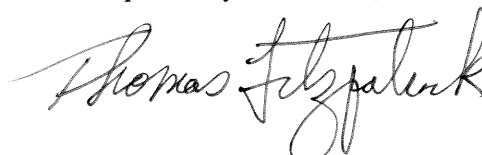
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Even if this allegation and the government's assertion in its letter were true, the government does not and cannot explain how this singular factual overlap would result in the savings of any judicial resources. If indeed the government believed it necessary to prove this allegation in each case, it would have to do so in each case, *i.e.*, the government would call the same witnesses and present the same documents or other manner of evidence in each case. That this alleged episode would be addressed in one matter would in no way vitiate the government's need to address it in the other matter. Nor would the fact that the Court might hear evidence regarding this episode in one case reduce the time and effort that would be required to present the evidence to a different jury in a different case. And there is no basis to conclude that the interests of justice would be served by designating this matter as a related case, which is perhaps why the government makes no argument in this regard.

Finally, Zhong does not intend to consent to the exclusion of time pursuant to the Speedy Trial Act, particularly because he is presently incarcerated. Given that the government has informed us that Your Honor will be away from the Court for approximately a month, this factor also militates against a finding of relatedness. Rather than result in judicial efficiencies, this confluence of factors may result in otherwise avoidable delays.

Respectfully submitted,



Thomas Fitzpatrick

Landong Wang was in charge of this construction project. According to the Complaint, Wang was a friend of Lin. Complaint ¶ 27. It also asserts that the workers who performed the construction work on the Lin property told government agents that Wang was their boss. *Id.* ¶ 35-36. The Complaint further recounts that the agents interviewed Wang, who said nothing about any involvement by Zhong in the Lin property. *Id.* ¶ 28-30, 33.